

JS 44C/SDNY  
REV. 07/08/16

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Fera Pharmaceuticals, LLC, Alfera Pharmaceuticals, LLC, Feranda, LLC,  
Baci 007, LLC, and Fera Holdings, LLC,

## DEFENDANTS

Xellia Pharmaceuticals ApS,

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

NAPOLI SHKOLNIK PLLC

Attn. Paul J. Napoli, Paul B. Maslo, and Salvatore C. Badala

360 Lexington Avenue, 11th Floor

New York, NY 10017

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. Sec. 1332

## ATTORNEYS (IF KNOWN)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> PHARMACEUTICAL PERSONAL	<input type="checkbox"/> SEIZURE OF PROPERTY	<input type="checkbox"/> 28 USC 158	<input type="checkbox"/> 376 QUI TAM
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> INJURY/PRODUCT LIABILITY	<input type="checkbox"/> 21 USC 881	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> REAPPORTIONMENT
<input type="checkbox"/> 150 INSTRUMENT	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 368 ASBESTOS PERSONAL			<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> INJURY PRODUCT			<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 150 OVERPAYMENT &	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> LIABILITY			<input type="checkbox"/> 450 COMMERCE
<input type="checkbox"/> 150 ENFORCEMENT	<input type="checkbox"/> 320 ASSAULT, LIBEL &				<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> 150 OF JUDGMENT	<input type="checkbox"/> 320 ASSAULT, LIBEL &				<input type="checkbox"/> 470 RACKETEER INFLU-
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL &				<input type="checkbox"/> ENCED & CORRUPT
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 320 ASSAULT, LIBEL &				<input type="checkbox"/> ORGANIZATION ACT
<input type="checkbox"/> 152 DEFAULTED	<input type="checkbox"/> 320 ASSAULT, LIBEL &				<input type="checkbox"/> (RICO)
<input type="checkbox"/> 152 STUDENT LOANS	<input type="checkbox"/> 320 ASSAULT, LIBEL &				<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 152 (EXCL VETERANS)	<input type="checkbox"/> 320 ASSAULT, LIBEL &				<input type="checkbox"/> 490 CABLE/SATELLITE TV
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 153 OVERPAYMENT	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 153 OF VETERAN'S	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 153 BENEFITS	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 160 STOCKHOLDERS	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 160 SUITS	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input checked="" type="checkbox"/> 190 OTHER	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 195 CONTRACT	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 195 CONTRACT	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 195 PRODUCT	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 195 LIABILITY	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 320 ASSAULT, LIBEL &				
	<b>ACTIONS UNDER STATUTES</b>				
	<b>CIVIL RIGHTS</b>				
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS				
	(Non-Prisoner)				
	<input type="checkbox"/> 441 VOTING				
	<input type="checkbox"/> 442 EMPLOYMENT				
	<input type="checkbox"/> 443 HOUSING/				
	ACCOMMODATIONS				
	<input type="checkbox"/> 445 AMERICANS WITH				
	DISABILITIES -				
	EMPLOYMENT				
	<input type="checkbox"/> 446 AMERICANS WITH				
	DISABILITIES -OTHER				
	<input type="checkbox"/> 448 EDUCATION				
<b>REAL PROPERTY</b>					
<input type="checkbox"/> 210 LAND					
<input type="checkbox"/> 220 CONDEMNATION					
<input type="checkbox"/> 220 FORECLOSURE					
<input type="checkbox"/> 230 RENT LEASE &					
<input type="checkbox"/> 230 EJECTMENT					
<input type="checkbox"/> 240 TORTS TO LAND					
<input type="checkbox"/> 245 TORT PRODUCT					
<input type="checkbox"/> 245 LIABILITY					
<input type="checkbox"/> 290 ALL OTHER					
<input type="checkbox"/> 290 REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Louis L. Stanton DOCKET NUMBER 12-cv-07694

Check YES only if demanded in complaint  
JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from (Specify District)☐ 6 Multidistrict Litigation (Transferred)☐ 7 Appeal to District Judge from Magistrate Judge☐ a. all parties represented☐ b. At least one party is pro se.☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

☐ 1 U.S. PLAINTIFF☐ 2 U.S. DEFENDANT☐ 3 FEDERAL QUESTION☒ 4 DIVERSITY

(U.S. NOT A PARTY)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] 1 [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input checked="" type="checkbox"/> 4 [ ] 4	FOREIGN NATION	[ ] 6 <input checked="" type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

134 Birch Hill Road  
Locust Valley, NY 11560  
Nassau County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Dalslansgade 11,  
2300 Copenhagen S,  
Denmark

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

## COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21. DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 02/28/2017 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT  
[ ] NO☒ YES (DATE ADMITTED Mo. Jan. Yr. 1993)  
Attorney Bar Code #PN8845

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)